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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,680	08/13/2001	Masanori Iwasaki	S01p1177us00	8175

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EXAMINER

BOCHNA, DAVID

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,680

Applicant(s)

IWASAKI, MASANORI

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 11-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 11-13 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 11-13 are directed to a method of securing a lens member and not an optical linkage

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11-13 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa.

In regard to claim 1, Ishikawa discloses an optical linkage device (fig. 2) for securing a first part (13, 14) and a second part 11, the first part (13, 14) including a first threaded portion (outer threads on portion 13 contacting inner threads on 11), wherein the first part and the second part may be comprised of a lens member 13 or a body 10 housing imaging elements (binocular lenses), the optical linkage device comprising:

... a plurality of positioning recesses (1a, b) that are formed around a circumference of one

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part such that a plurality of the recesses are located in a one-fourth portion of the circumference; and

at least one positioning protrusions 2a that are formed in the other part, the positioning protrusion 2a being selectively engageable with the recess members 1a, 1b when threading the first part onto the second part. Ishikawa does not disclose that the recesses are on the first part or that the protrusions are on the second part. Ishikawa discloses the reverse. However, it would have been obvious to reverse the recesses and protrusions so that the recesses were on the first part, and the protrusions were on the second part because the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

In regard to claim 2, the first threaded portion (threads on 13) is an external thread, and the second part is further comprised of two or more positioning protrusions (2a, 20a).

In regard to claim 3, the second threaded portion (threads on 11) is an internal thread.

In regard to claim 4, the first part 13 is a lens barrel.

In regard to claim 5, the second part 11 is a holder for holding the lens barrel, and further wherein an image pickup device 10 is mounted to the holder 11.

In regard to claim 6, by selecting a location of engagement for the recess and the protrusion, a desired focal location between the image pickup device and the lens is achieved (see column 1, lines 22-28).

In regard to claim 7, an imaging forming device focus adjustment pitch is determined at least in part by an engagement pitch between the recess and the protrusion elements.

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In regard to claim 8, Stewart discloses an optical linkage structure for securing a first part 13, 14 and a second part 11, the first part including a first threaded portion (external threads on 13) and the second part 11 including a second threaded portion (internal threads on 11) screwable to the first threaded portion, wherein the first part and the second part may be comprised of a lens member of a body housing imaging elements, the optical linkage structure comprising:

At least one positioning recess 1a, 1b that is formed in one part; and

A plurality of positioning protrusions 2a, 20a that are formed around a circumference of the other part such that a plurality of the protrusions are located in one-fourth portion of the circumference, the positioning protrusions being selectively engageable with the recess.

Ishikawa does not disclose that the recesses are on the first part or that the protrusions are on the second part. Ishikawa discloses the reverse. However, it would have been obvious to reverse the recesses and protrusions so that the recesses were on the first part, and the protrusions were on the second part because the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

In regard to claim 9, the first threaded portion (portion on 13) is an external thread.

In regard to claim 10, the threaded portion of the second part (threads on 11) is an internal thread.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Agata, Tarsia and Wittel all disclose similar modules common in the art.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



David Bochna
January 6, 2003



Lynne H. Browne
Supervisory Patent Examiner
Group 3600